
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

EDWARD TESKO,

Movant,

versus

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:05-CV-686

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Edward Tesko, through counsel, filed this motion to vacate, set aside or correct judgment pursuant to 28 U.S.C. § 2255.


The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this motion to vacate. The magistrate judge, acting upon a joint motion filed by the parties, recommends: (1) the joint motion filed by the parties be granted; (2) an Amended Judgment in a Criminal Case be entered reducing movant's term of imprisonment to 120 months imprisonment and (3) this motion to vacate, set aside or correct sentence be dismissed with prejudice.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

ORDER

The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The joint motion filed by the parties is **GRANTED**, An Amended Judgment in a Criminal Case will be entered sentencing movant to a term of imprisonment of 120 months. A final judgment will be entered dismissing this motion to vacate.

SIGNED at Beaumont, Texas, this 9th day of August, 2008.

A handwritten signature in cursive script, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE